

Personnel

Employment
RegulationsEmployees with
Disabilities**POLICY:**

- .01 The Laboratory provides reasonable accommodation to employees with disabilities, unless accommodation would impose an undue hardship on the Laboratory. Reasonable accommodation is considered on a case-by-case basis and involves consideration of productivity, safety, costs, and efficiency in the operation of the Laboratory.

DEFINITIONS:**Employee with a
Disability**

- .02 As defined by applicable laws, an employee with a disability is one who
- Has a physical or mental impairment that substantially limits one or more major life activities (for example, ability to communicate or to move about);
 - Has a record of such an impairment; or
 - Is regarded as having such an impairment.
- NOTE:** In general, an employee who has a record of an impairment is one who is recovered from a disability but who is stigmatized because of having had the disability or who has been misclassified as having a disability that he or she did not actually have. An employee who is regarded as having a disability is one who is perceived as having a disability by supervisors or managers, whether or not a disability actually exists.

**Qualified Employee with
a Disability**

- .03 A qualified employee with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question.

Work Restrictions

- .04 Work restrictions are job activities that a licensed medical provider has determined the employee with a disability cannot perform because of a physical or mental impairment.

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- Reasonable Accommodation** .05 Reasonable accommodation is the modification of the work environment or responsibilities to enable a qualified employee with a disability to perform the essential functions of a specific position. Reasonable accommodation may include, but is not limited to, the restructuring of job duties, the purchase of equipment or services to facilitate job performance, and/or the physical relocation of a job. A reasonable accommodation should not impose an undue hardship on Laboratory operations or create a direct threat to the health or safety of the employee or others.
- Essential Job Functions** .06 Essential job functions are those tasks that are fundamental to the job as a matter of business necessity, as opposed to marginal tasks that are incidental or peripheral.
- Undue Hardship** .07 An undue hardship is any action requiring significant difficulty or expense or that would fundamentally alter the nature or operation of the business.
- Direct Threat** .08 A direct threat is a significant risk of substantial harm to the health or safety of the employee or others.
- Alternate Placement** .09 Alternate placement is the attempt to place a qualified employee with a disability in another Laboratory position. Alternate placement is attempted only if the employee's supervisor determines that no reasonable accommodation can be made to enable the employee to perform the essential functions of the current position. See [.18-.24](#).

RESPONSIBILITIES:

- Employees** .10 Employees must
- Notify their supervisors when they have physical or mental conditions that may

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adversely impact their job performance or their health or safety or that of others;

Cooperate with the Occupational Medicine Group (HS-2) in the completion of medical and/or psychological tests and examinations, when required;

Provide HS-2 with requested medical documentation in a timely manner;

Cooperate with supervisors and other Laboratory organizations in their attempts to make reasonable accommodation and/or alternate placement.

Supervisors

- .11 Supervisors must consult with HS-2 as soon as they become aware that an employee's behavior or job performance may have been adversely affected by physical, mental, or emotional conditions. Supervisors may require employees to report to HS-2 for medical evaluation.
- .12 Supervisors of employees with disabilities must
 - Obtain the employees' suggestions for possible accommodation in the current positions;
 - Attempt to provide reasonable accommodation that will enable employees to perform the essential functions of their current positions; and
 - Ensure that employees with disabilities are afforded equal opportunities for professional development and advancement.

HS-2

- .13 HS-2, in cooperation with the employee's medical provider, determines the work restrictions necessary to allow the employee to continue work and the estimated duration of those restrictions.

Affirmative Action/ Equal Employment Opportunity Office (AA/EEO)

- .14 The Affirmative Action/Equal Employment Opportunity Office (AA/EEO)
 - Assists supervisors in determining whether reasonable accommodation can be provided in the employee's current position and

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Coordinates efforts at alternate placement of an employee if the supervisor, based on advice from HS-2, has determined that the employee cannot perform the essential functions of the current position.

Compensation Group (PS-4)

- .15 The Compensation Group (PS-4) assists supervisors and AA/EEO in performing job analyses to identify the essential functions of specific jobs.

Employment Group (PS-1)

- .16 When attempts at alternate placement are necessary, the Employment Group (PS-1) assists employees with disabilities in identifying jobs for which they are qualified and assists AA/EEO in identifying appropriate available positions.

ACCOMMODATION AND PLACEMENT:

HS-2 Medical Evaluation

- .17 HS-2 conducts a medical evaluation and provides information on the employee's work restrictions to the employee's supervisor and to AA/EEO. If HS-2 determines that an employee cannot return to work for the foreseeable future in the current or any alternate position, with or without accommodation, then the activities described in .18-.24 are not performed and a medical separation may be appropriate. See [.33](#) and [AM 113](#).

NOTE: If HS-2 determines that the employee has a temporary impairment, [AM 117](#) applies.

Supervisor's Attempt to Accommodate in Current Position

- .18 When an employee develops a disability that prevents the performance of the essential functions of the job, the supervisor determines, based on the information provided by HS-2, whether accommodation can reasonably be provided within the employee's current position. Before making this determination, the supervisor requests and considers the employee's suggestions for accommodation. AA/EEO assists the supervisor in identifying and evaluating possible accommodations. When necessary, funding for accommodations may be requested from the Disabilities Issues Board (DIB). See [.26](#).

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- .19 The supervisor, with assistance from AA/EEO, prepares a record of the essential job functions that the employee is not performing, any accommodations that were considered, and the final determination regarding accommodation. If no accommodation can be provided and the group-level manager requests assistance, AA/EEO coordinates the alternate placement process. See [.21-.24.](#)
- .20 The supervisor, with assistance from AA/EEO, attempts to complete the evaluation of alternatives and reach a decision on accommodation in the current position within 30 calendar days after receiving HS-2's report of work restrictions. When an accommodation is implemented on a trial basis, the final decision on accommodation is made on or before the conclusion of the specified trial period.

Alternate Placement

- .21 When alternate placement is necessary, AA/EEO coordinates efforts to place the employee in another available position for which the employee is qualified. The search for alternate positions is limited to job classifications the employee indicates he or she is willing to consider. AA/EEO assists selecting officials in determining whether the employee could perform the essential functions of specific positions, with or without reasonable accommodation.
- .22 AA/EEO maintains documentation of the available positions identified, the referrals made to hiring organizations, and the results.
- .23 The attempts at alternate placement are usually completed within 90 calendar days after the supervisor determines that reasonable accommodation in the employee's current position cannot be made.
- .24 **Waiver of Advertisement** — A position to be filled by an employee with a disability does not require advertising. See [AM 104.](#)

COST OF

- .25 Costs of reasonable accommodation for employees

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ACCOMMODATION:

with disabilities are usually borne by the employee's organization. When the cost of accommodation cannot be covered by the organization's funds, the organization requests financial support from the DIB. An AA/EEO Specialist serves as the liaison between requesting organizations and the DIB.

Disabilities Issues Board

- .26 The DIB may provide funding for reasonable accommodation of employees with disabilities when the cost of accommodation is greater than can be provided by the employee's organization. Organizations submit funding requests to the DIB through the AA/EEO Office. The Laboratory's Affirmative Action/Equal Employment Opportunity Officer chairs the DIB. Members include representatives from each Laboratory directorate and representatives from the Health and Safety (HS) Division, Human Resources Development (HRD) Division, and Facilities Engineering (ENG) Division.

SOURCES OF ASSISTANCE:

- .27 Organizations with specific responsibilities for accommodation or placement of employees with disabilities are listed in .13-.16. Following are other services that may be useful to employees with disabilities or their supervisors.

AA/EEO Specialist

- .28 In addition to the duties described in .25-.26, the AA/EEO Specialist informs employees of Laboratory policies and procedures pertaining to individuals with disabilities and, when requested, provides training and information to assist supervisors in the supervision of employees with disabilities.

HS-2

- .29 In addition to the responsibilities described in .13 and .17, HS-2 provides confidential, short-term counseling for substance-abuse problems and mental, emotional, or personal issues.

Counseling Section (HRD-1)

- .30 The Counseling Section of the Employee Relations Group (HRD-1) provides short-term counseling for work-related issues and problems that employees

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with disabilities may experience and provides consultation as requested for supervisors of employees with disabilities.

Benefits Group (PS-3)

- .31 The Benefits Group (PS-3) provides information to employees with disabilities ~~&~~ about benefits for which they may be eligible and assists in filing claims for such benefits.

Risk management Office (CONT-RM)

- .32 Workers' Compensation Program personnel in the Risk Management Office (CONT-RM), with the assistance of HS-2, determine the compensability of work-related injury claims and monitor the status of approved claims.

SEPARATIONS:

- .33 The Laboratory may initiate medical separation procedures for a disabled employee for whom no reasonable accommodation can be provided. Medical separation of a disabled employee is initiated only after completion of attempts at reasonable accommodation and, if appropriate, alternate placement as described above. See [AM 113](#).

- .34 An employee may be terminated for cause under [AM 112](#) if

The employee does not return to work after HS-2 certifies that the employee is able to perform the essential functions of the current position, with or without accommodation, or

The employee does not accept an offer of an alternate position at the same or an equivalent level, after HS-2 certifies that the employee is able to perform the essential functions of the alternate position, with or without accommodation.